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PTO/SB/64 (11-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

1505-0112

First named inventor: Brett Holle

RECEIVED

Application No.: 10/085,426

JAN 30 2004 Art Unit: 2635

Filed: February 28, 2002

OFFICE OF PETITIONS Examiner: To be assigned

Title: Electrical Service Disconnect  
Having Tamper Detection

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$2,400 (37 CFR 1.17(m))**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in  
the form of Response to Notice to File Missing Parts (identify type of reply):☐ has been filed previously on \_\_\_\_\_  
☒ is enclosed herewith. 01/28/2004 YPOLITE1 00000049 10085426

B. The issue fee of \$ \_\_\_\_\_

01 FC:1453

1330.00 OP

☐ has been paid previously on \_\_\_\_\_  
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

### 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

1/23/04  
Date

  
Signature

Telephone  
Number: (317) 638-2922

Harold C. Moore  
Typed or printed name  
111 Monument Circle, Suite 3000  
Address  
Indianapolis, Indiana 46204-5115  
Address


- Enclosures: ☐ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☐ Declaration and Power of Attorney, Petition under 1.47(a)
- ☒ Other: \_\_\_\_\_

### CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

1/23/04  
Date

  
Signature  
Harold C. Moore

Type or printed name of person signing certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

JAN 30 2004

OFFICE OF PETITIONS

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 23, 2004  
(Date of Deposit)

Harold C. Moore

Name of person mailing Document or Fee

Signature

January 23, 2004

Date of Signature

Re: Application of: Holle et al.  
Serial No.: 10/085,426  
Filed: February 28, 2002  
For: Electrical Service Disconnect  
Having Tamper Detection  
Group Art Unit: 2635  
Examiner: To be assigned  
Our Docket: 1505-0112

TRANSMITTAL OF PETITION FOR REVIVAL (37 C.F.R. § 1.137(b))

Please find for filing in connection with the above patent application the following documents:

1. Petition for Revival (Form PTO/SB/64);
2. Check in the amount of \$2,400.00 for the Petition Fee;
3. Response to Notice to File Missing Parts of Application;
4. Exhibits A and B;
5. Copy of Notice to File Missing Parts;

6. Copy of Notice of Abandonment Under 37 CFR 1.53;
7. Executed Declaration and Power of Attorney;
8. Executed Assignment; and
9. One (1) return postcard.

Please charge any fee deficiency or credit any overpayment to Deposit Account  
No. 13-0014.

Respectfully Submitted,

MAGINOT, MOORE & BECK



January 23, 2004

Harold C. Moore  
Registration No. 37,892  
Bank One Center/Tower  
111 Monument Circle, Suite 3000  
Indianapolis, Indiana 46204-5115

Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Petitions  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

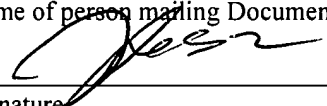
Re: Application of: Holle et al.  
Serial No.: 10/085,426  
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For: Electrical Service Disconnect  
Having Tamper Detection  
Group Art Unit: 2635  
Examiner: To be assigned  
Our Docket: 1505-0112

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deposited with the United States Postal Service with  
sufficient postage as first class mail in an envelope  
addressed to: Mail Stop Petitions, Commissioner for  
Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
January 23, 2004

(Date of Deposit)

Harold C. Moore

Name of person mailing Document or Fee

  
Signature

January 23, 2004

Date of Signature

PETITION UNDER 37 C.F.R. 1.47(a)

Sir:

Application hereby petitions for acceptance of a declaration in the above  
referenced case executed by two of three co-inventors. The non-signing inventor refuses  
to join in the application. The \$130.00 fee required by 37 C.F.R. 1.17(h) is submitted  
herewith.

FACTS

The inventors in the above referenced case, entitled "Electrical Service Disconnect Having Tamper Detection" are Brett Holle, having a residence at 3714 Thomas Jefferson Road, Lafayette, Indiana 47909 ("Holle"), Michael Anderson, having a residence at 216 Wood Dale Street, West Lafayette, Indiana 47904 ("Anderson"), and John Voisine, having a residence at 4611 Doe Path Lane, Lafayette, Indiana 47904 ("Voisine").

Anderson and Voisine have executed the Declaration and Power of Attorney enclosed herein. Holle refuses to join in the application. Specifically, correspondence including a draft of the application and a Declaration and Power of Attorney were sent to Holle on April 1, 2002 and October 31, 2003, (see Declaration of Harold C. Moore; see also Exhibits A and B).

The evidence clearly proves the Mr. Holle refuses to join in the application. Accordingly, it is respectfully submitted that the Declaration and Power of Attorneys executed by Anderson and Voisine be accepted on behalf of Holle.

Respectfully Submitted,



Harold C. Moore  
Attorney for Applicants  
Attorney Registration No. 37,892  
Maginot, Moore & Beck  
Bank One Center Tower  
111 Monument Circle, Suite 3000  
Indianapolis, IN 46204-5130  
Telephone: (317) 638-2922


**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Application of: **Holle et al.**Art Unit: **2635**Serial No.: **10/085,426**Examiner: **To be assigned**Filed: **February 28, 2002**Our Docket No.: **1505-0112**For: **Electrical Service Disconnect Having Tamper Detection****Declaration of Harold C. Moore in support of Petition****Under 37 C.F.R. 1.47(a)**

1. I prepared and filed the above-identified patent application ("Application") in the United States Patent and Trademark Office at the request of Mr. John T. Voisine.
2. On information and belief, Brett Holle ("Holle") of Lafayette, Michael Anderson ("Anderson") of West Lafayette, and John Voisine ("Voisine") of Lafayette, all of Indiana, are joint inventors of the subject matter of the Application.
3. On information and belief, on or about April 1, 2002, correspondence including a Declaration and Power of Attorney was mailed to Holle via Federal Express by an attorney for Siemens Corporation, the prior owner of the application, (Exhibit A).



4. On or about October 31, 2003, I mailed (via Federal Express) to Holle correspondence including a Declaration and Power of Attorney and a copy of the Application as filed including the claims, specification, and drawings, (Exhibit B). A return pre-addressed Federal Express Envelope was included for Holle's convenience.
5. As of January 23, 2004, I have not received the executed Declaration and Power of Attorney from Holle.
6. Siemens Corporation has an obligation to provide me with any correspondence regarding this patent application. As of January 23, 2004, I have received no executed Declaration and Power of Attorney from Holle through Siemens Corporation. I, furthermore, have no reason to believe Siemens Corporation has received any such Declaration and Power of Attorney from Holle.
7. Because Holle has been presented with the Declaration and Power of Attorney, and the Application as filed including the specification, the claims and the drawings, and has not returned the executed Declaration and Power of Attorney, it is respectfully submitted that Holle has refused to join in the application under 37 C.F.R. § 1.47(a).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and the such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Harold C. Moore  
Attorney for Applicants  
Registration No. 37,892

**SIEMENS**

EXHIBIT A

April 1, 2002

**VIA FEDERAL EXPRESS**

Brett Holle  
3714 Thomas Jefferson Road  
Lafayette, Indiana 47909

Re: Patent Application Serial No. 10/085,431  
For **ELECTRICITY SERVICE DISCONNECT IN A MODULAR  
METER**  
Our Ref: 2002PO3395US

Patent Application Serial No. 10/085,426  
for **ELECTRICITY SERVICE DISCONNECT HAVING TAMPER  
DETECTION**  
Our Ref: 2002P03394US

Patent Application Serial No. 10/085,416  
for **ELECTRICTY SERVICE DISCONNECT HAVING EXTERNAL  
INTERFACE**  
Our Ref.: 2001P10616US01

Dear Brett:

I am enclosing a combined Declaration and Power of Attorney and Assignments for the above identified patent applications. Please execute and return to me a copy of the executed copy of the declaration and power of attorney and Assignment.

Please feel free to contact me if you have any questions or concerns.

Sincerely,



Bosco B. Kim  
Intellectual Property Counsel  
(732) 321-3085  
[bosco.kim@siemens.com](mailto:bosco.kim@siemens.com)

Enclosures

**Siemens Corporation**

Intellectual  
Property Department

186 Wood Avenue South  
Iselin, NJ 08830

Tel: (732) 321-3100  
Fax: (732) 321-3030  
Fax: (732) 321-3014

PAUL J. MAGINOT  
HAROLD C. MOORE  
BRUCE J. BOWMAN  
DAVID M. LOCKMAN Δ  
MICHAEL D. BECK  
KEITH J. SWEDO

Δ OF COUNSEL - GEORGIA BAR ONLY

MAGINOT, MOORE & BOWMAN LLP

PATENT AND TRADEMARK ATTORNEYS

BANK ONE CENTER/TOWER  
111 MONUMENT CIRCLE, SUITE 3000  
INDIANAPOLIS, INDIANA 46204-5115

TELEPHONE (317) 638-2922

FACSIMILE (317) 638-2139

October 31, 2003

Mr. Bret Holle  
3714 Thomas Jefferson Road  
Lafayette, Indiana 47909

VIA FEDERAL EXPRESS

Re: U. S. Patent Application  
Title: Electricity Service Disconnect Having Tamper Detection  
Inventor(s): Holle et al.  
Former Siemens Docket No.: 02P03394US  
Our Docket No.: 1505-0112

Dear Mr. Holle:

As you may recall, you were identified as a co-inventor of the above-referenced patent application when you were employed by Siemens Corporation. As you may also know, Landis+Gyr Inc. is now the owner of the application by virtue of an assignment executed by Siemens Power Transmission & Distribution, Inc.

Landis+Gyr is attempting to prosecute this patent application and requests your assistance. To the end, enclosed please find an Assignment and a Declaration and Power of Attorney for the above-referenced case, as well as a copy of the application as filed. Please review the documents, and if everything is in order, sign and date the documents where indicated.

Please forward the executed documents via the enclosed Federal Express Envelope to Maginot, Moore and Beck as soon as possible so that we may attend to their filing in the United States Patent and Trademark Office.

Thank you in advance for your assistance. Please do not hesitate to call if you have any questions.

Very truly yours,



Harold C. Moore

HCM/jrt  
Enclosures

## ASSIGNMENT AND AGREEMENT

For value received, We, Brett Holle of Lafayette, Indiana, Michael Anderson of West Lafayette, Indiana, and John Voisine of Lafayette, Indiana., do hereby sell, assign and transfer to Landis+Gyr Inc., a corporation of the State of Delaware, having an office at 2800 Duncan Road, Lafayette, Indiana 47904 (hereinafter referred to as "Landis+Gyr"), and its successors, assigns and legal representatives, the entire right, title and interest, for the United States of America, in and to certain inventions related to **ELECTRICITY SERVICE DISCONNECT HAVING TAMPER DETECTION** described in an application for Letters Patent of the United States, serial no. 10/085,426 filed February 28, 2002 in the United States Patent and Trademark Office, and all the rights and privileges in said application and under any and all Letters Patent that may be granted in the United States for said inventions; and We also concurrently hereby sell, assign and transfer to Landis+Gyr the entire right, title and interest in and to said inventions for all countries foreign to the United States, including all rights of priority arising from the application aforesaid, and all the rights and privileges under any and all forms of protection, including Letters Patent, that may be granted in said countries foreign to the United States for said inventions.

We authorize Landis+Gyr to make application for such protection in its own name and maintain such protection in any and all countries foreign to the United States and to invoke and claim for any application for patent or other form of protection for said inventions, without further authorization from us, any and all benefits, including the right of priority provided by any and all treaties, conventions, or agreements.

We hereby consent that a copy of this assignment shall be deemed a full legal and formal equivalent of any document which may be required in any country in proof of the right of Landis+Gyr to apply for patent or other form of protection for said inventions and to claim the aforesaid benefit of the right of priority.

We request that any and all patents for said inventions be issued to Landis+Gyr in the United States and in all countries foreign to the United States, or to such nominees as Landis+Gyr may designate.

We agree that, when requested, We shall, without charge to Landis+Gyr, but at its expense, sign all papers, and do all acts which may be necessary, desirable or convenient in connection with said applications, patents, or other forms of protection.

Brett Holle

Date: \_\_\_\_\_


United States of America    )  
State of                        ) ss.:  
County of                     )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally came Brett Holle to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of the same.

Notary Public

Notary's printed name

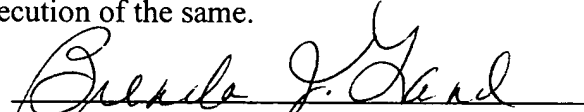
Notary's County and State  
of Residence:

  
Michael Anderson

Date: 9/15/03

United States of America    )  
State of                        ) ss.:  
County of                     )

On this 15 day of September, 2003, before me personally came Michael Anderson to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of the same.

  
Notary Public

Notary's printed name

Notary's County and State  
of Residence:

**BRENDA J LAND  
NOTARY PUBLIC STATE OF INDIANA  
TIPECAHOE COUNTY  
MY COMMISSION EX. MAR. 21, 2008**

John Voisine  
John Voisine

Date: 9/10/03

United States of America     )  
State of                             ) ss.:  
County of                           )

On this 10<sup>th</sup> day of September, 2003, before me personally came John Voisine to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of the same.

**BRENDA J LAND**  
**NOTARY PUBLIC STATE OF INDIANA**  
**TIPPECANOE COUNTY**  
**MY COMMISSION EXP. MAR. 31, 2008**

Brenda J Land  
Notary Public

BRENDA J. LAND  
Notary's printed name

Notary's County and State  
of Residence:

\_\_\_\_\_